



6-22-04

DAC

PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/056,289	
	Filing Date	April 7, 1998 <b>RECEIVED</b>	
	First Named Inventor	John R. Shutt <b>JUN 24 2004</b>	
	Art Unit	1713 <b>OFFICE OF PETITIONS</b>	
	Examiner Name	F. Teskin	
Total Number of Pages in This Submission	22	Attorney Docket Number	98B017/3

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	<b>Statement in Support of Petition to Revive under CFR 1.137(a); Copy of Declaration in support of Petition to w/draw aban.; copy Not. of Allo.w/Issue Fee; Copy CPA transmittals; PAIR status.</b>
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Express Mail Label: EV 3855 25089 US	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Paige Schmidt Registration No. 38,556 Customer No. 23455
Signature	<i>Paige Schmidt</i>
Date	6/21/04

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on			
Typed or printed name			
Signature	<i>Paige Schmidt</i>	Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-03)  
Approved for use through 07/31/2006. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) \$110.00

Complete if Known

Application Number 09/056,289  
Filing Date April 7, 1998  
First Named Inventor John R. Schutt  
Examiner Name F. Teskin  
Art Unit 1713  
Attorney Docket No. 98B017/3

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JUN 24 2004

OFFICE OF PATENTS

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number ExxonMobil Chemical Company

Deposit Account Name 05-1712

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	2001	770	385	Utility filing fee	
1002	2002	340	170	Design filing fee	
1003	2003	530	265	Plant filing fee	
1004	2004	770	385	Reissue filing	
1005	2005	160	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

### 2. EXTRA CLAIM FEES FOR UTILITY AND

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** = 0	X	0.00
Multiple Dependent	-3** = 0	X	0.00

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description
1202	2202	18	9	Claims in excess of 20
1201	2201	86	43	Independent claims in excess of 3
1203	2203	290	145	Multiple dependent claim, if not paid
1204	2204	86	43	** Reissue independent claims over original patent
1205	2205	18	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) \$0.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	2051	130	65	Surcharge - late filing fee or oath	
1052	2052	50	25	Surcharge - late provisional filing fee or cover sheet	
1053	1053	130	130	Non - English specification	
1812	1812	2,520	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	1804	920*	920*	Requesting publication of SIR prior to Examiner action	
1805	1805	1,840*	1,840*	Requesting publication of SIR after Examiner action	
1251	2251	110	55	Extension for reply within first month	
1252	2252	420	210	Extension for reply within second month	
1253	2253	950	475	Extension for reply within third month	
1254	2254	1,480	740	Extension for reply within fourth month	
1255	2255	2,010	1,005	Extension for reply within fifth month	
1401	2401	330	165	Notice of Appeal	
1402	2402	330	165	Filing a brief in support of an appeal	
1403	2403	290	145	Request for oral hearing	
1451	2451	1,510	1,510	Petition to institute a public use proceeding	
1452	2452	110	55	Petition to revive - unavoidable	110.00
1453	2453	1,330	665	Petition to revive - unintentional	
1501	2501	1,330	665	Utility issue fee (or reissue)	
1502	2502	480	240	Design issue fee	
1503	2503	640	320	Plant issue fee	
1460	2460	130	130	Petitions to the Commissioner	
1807	2807	50	50	Processing fee under 37 CFR § 1.17(q)	
1806	2806	180	180	Submission of Information Disclosure Statement	
8021	28021	40	40	Recording each patent assignment per property (times number of properties)	
1809	2809	770	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	2810	770	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	2801	770	385	Request for Continued Examination (RCE)	
1802	2802	900	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) \$110.00

## SUBMITTED BY

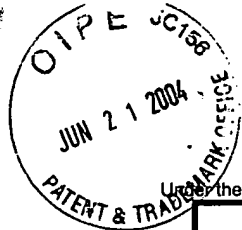
Name Paige Schmidt  
Registration No. 38,556  
Telephone 281-834-1441  
Signature [Signature]  
Date 6/21/04

Complete (if applicable)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



#13

Approved for use through 07/31/2006. OMB 0651-0031  
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)  
98B017/3

First Named Inventor: John R. Shutt

Art Unit: 1713

Application Number: 09/056,289

Examiner: F. Tesig

Filed: April 7, 1998

Title: Polymerization Process

JUN 24 2004

OFFICE OF PETITIONS

Attention: Office of Petitions  
**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703)305-9382.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay

**1. Petition fee**

☐ Small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(l)) Applicant claims small entity status..  
See 37 CFR 1.27.

☒ Other than small entity - fee \$ 110.00 (37 CFR 1.17(l)).

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of

(identify the type of reply):

☒ has been filed previously on \_\_\_\_\_ CPA was filed \_\_\_\_\_  
☐ is enclosed herewith.

06/24/2004 AWONDAF1 00000130 051712 09056289

B. The issue fee of \$ \_\_\_\_\_ 01 FC:1452 110.00 DA

☐ has been paid previously on \_\_\_\_\_ CPA was filed \_\_\_\_\_  
☐ is enclosed herewith.

(Page 1 of 3)

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

OIP E 3536  
JUN 21 2004  
PATENT & TRADEMARK OFFICE

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

98B017/3

**3. Terminal disclaimer with disclaimer fee**

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ or a small entity of \$ \_\_\_\_\_ other than a small entity) disclaiming the required period of time enclosed herewith (see PTO/SB/63).

**4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.**

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorize on PTO-2038.**

6/21/04  
Date

Paige Schmidt  
Signature

281-834-1441  
Telephone Number:

Paige Schmidt  
Typed or printed name

38,556  
Registration Number, if applicable

ExxonMobil Chemical Company  
Address

5200 Bayway Drive, Baytown, TX 77522-2149  
Address

- Enclosures: ☒ Fee Payment
- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unavoidable delay
- ☒ Exp. Mail: EV 385525089 US

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being: **Exp Mail Label: EV 385525089 US**

**Express Mail**

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as ~~XXXX~~ **Express Mail** in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

6/21/04  
Date

Paige Schmidt  
Signature

\_\_\_\_\_  
Typed or printed name of person signing certificate



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

*In re* Application of:

BEFORE THE EXAMINER:

Shutt et al.

F. Teskin

Serial No.: 09/056,289

Group Art Unit No.: 1713

Filed: April 7, 1998

Attorney Docket No.: 98B017/3

For: Polymerization Process

Baytown, Texas

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**JUN 24 2004**

**OFFICE OF PETITIONS**

**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**STATEMENTS IN SUPPORT OF PETITION TO REVIVE UNDER 37**  
**C.F.R. § 1.137(a)**

This is submitted in reply to the dismissal of Applicant's Petition to Withdraw Holding of Abandonment mailed June 1, 2004. Applicant submits that it did not engage in any delay with regard to replying to the Notice of Allowance dated May 9, 2000. In reply to that Notice, Applicant filed a Continued Prosecution Application on August 9, 2000. Upon receiving the Notice of Abandonment, Applicant confirmed that it did timely file the CPA and that it was received by the USPTO. Applicant delayed in reacting to the Notice of Abandonment only because the Notice of Abandonment was obviously in error, and it was believed that it would therefore be withdrawn and an Office Action issued on the CPA. Nevertheless, a Petition to Withdraw Holding of Abandonment was filed. The Declaration in Support of that Petition is attached as well as the documents referred to therein.

Respectfully submitted,

6/21/04  
Date

Paige Schmidt  
Paige Schmidt  
Attorney for Applicants  
Registration No. 38,556

ExxonMobil Chemical Company  
Law Technology  
P.O. Box 2149  
Baytown, Texas 77522-2149  
Phone: 281-834-1441  
Fax: 281-834-2495

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): Shutt, et al.

Docket No.

98B017/3

Serial No.

09/056,289

Filing Date

April 7, 1998

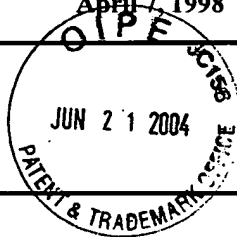
Examiner

F. Teskin

Group Art Unit

1713

Invention:

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JUN 24 2004

**OFFICE OF PETITIONS**

I hereby certify that the following correspondence:

Transmittal, Fee Sheet, Petition for Revival of a Patent Abandoned Unavoidably under 1.137(a), Statement in Support of Petition to Revive, Not. of Allow./Issue Fee, copy CPA transmittals, Declaration in Support of Petition to Withdraw Holding of Abandonment, Not. of Abandonment, and PAIRS printout.

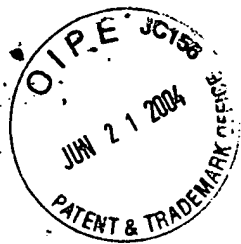
*(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

June 21, 2004*(Date)*Jennifer S. Kaldor*(Typed or Printed Name of Person Mailing Correspondence)*

A handwritten signature of Jennifer S. Kaldor in cursive script.

*(Signature of Person Mailing Correspondence)*EV 3855 25089 US*("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/056,289 04/07/98 SHUTT

EXAMINER 17/2
---------------

EXXON CHEMICAL COMPANY  
P O BOX 2149  
DAYTOWN TX 77522

IN22/0509

ART UNIT	PAPER NUMBER
----------	--------------

TESKIM, F

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DATE MAILED:  
1713

JUN 24 2004

**OFFICE OF PETITIONS**

05/09/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**





# Notice of Allowability

Application No.  
09/056,289

Applicant(s)  
Shutt, et al.

Examiner  
Fred Teskin

Group Art Unit  
1713



All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

☒ This communication is responsive to amendment filed February 22, 2000.

☒ The allowed claim(s) is/are 1-110

☐ The drawings filed on \_\_\_\_\_ are acceptable.

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

☐ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

☐ Applicant MUST submit NEW FORMAL DRAWINGS

☐ because the originally filed drawings were declared by applicant to be informal.

☐ including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. \_\_\_\_\_

☐ including changes required by the proposed drawing correction filed on \_\_\_\_\_, which has been approved by the examiner.

☐ including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

## Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 6

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

☐ Interview Summary, PTO-413

☒ Examiner's Amendment/Comment

☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

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OFFICE OF PETITIONS

ACKNOWLEDGED

MAY 12 2000

Patent Admin. Group

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JUN 24 2004

OFFICE OF PETITIONS

Application/Control No. 09/056,289

Art Unit 1713


Examiner's Amendment/Comment

An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicants, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.

The directions for amending claim 2 in the Response of February 22, 2000 have been construed as authorizing substitution of --metallocene-- for "metallocene-type" in line 2 of claim 1, where the cited terminology actually appears, and the amendment entered as so construed. See MPEP 714.23.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner F. M. Teskin whose telephone number is (703) 308-2456.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reached on (703) 308-2450. The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 305-3599.

  
FMTeskin/05-08-00

FRED TESKIN  
PATENT EXAMINER  
ART UNIT 1551713



FORM - 1449

SHEET 1 OF 1

## INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

ATTY. DOCKET NO.

98B017/2

SERIAL NO.

UNASSIGNED

APPLICANT

John R. Shutt, et al

FILING DATE

04/07/98

GROUP

~~1755~~ 1713

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
<i>FF</i>	AA	5,627,242 A	06/06/97	Jacobsen, et al	526	

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	PUBL. DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
<i>FF</i>	AB	WO 93 25591 A	12/23/93	PCT				
<i>FF</i>	AC	EP 0 575 875 A	12/29/93	Europe				
<i>FF</i>	AD	EP 0 624 604 A	11/17/94	Europe				
<i>FF</i>	AE	EP 0 643 078 A	03/15/95	Europe				

OTHER DISCLOSURES (Including Author, Title, Date, Pertinent Pages of Publication, Etc.)

	AF	
	AG	
	AH	

EXAMINER

FRED TESKIN  
PATENT EXAMINER

DATE CONSIDERED

05/00

\* EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next comment to applicant

Express Mail Label No.

EL4045233US

# CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Large Entity)

Submit an original, and a duplicate for fee processing.

(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))

Docket No.

98B017/3

☐ DUPLICATE (Check box if applicable)

First Named Inventor

Examiner

Group/Art Unit

J.R. Shutt

F. Teskin

1713

Address to:

Assistant Commissioner for Patents  
Box CPA  
Washington, D.C. 20231

EL404523233US

This is a request for filing a ☒ continuation, or ☐ divisional application under 37 CFR 1.53(d), (continued prosecution application (CPA)) of prior application number 09/056,289 filed on April 7, 1998 and entitled: Polymerization Process

1. ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR 1.116 in the prior nonprovisional application.
2. ☐ A preliminary amendment is enclosed.
3. ☐ This application is being filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
- a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:

- b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

4. ☐ A new power of attorney or authorization of agent is enclosed.

5. ☐ An Information Disclosure Statement (IDS) is enclosed:

- a. ☐ PTO-1449

- b. ☐ Copies of IDS Citations

6. ☒ The fee for this application is calculated as follows:

## CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	110	- 20 =	90	x \$18.00	\$1,620.00
Indep. Claims	14	- 3 =	11	x \$78.00	\$858.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					670.00 8960.00
TOTAL FILING FEE					33,438.00 5,168.00

**CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Large Entity)**  
**(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))**

7. ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees to  
Deposit Account No. 05-1715

- ☒ fees required under 37 C.F.R. 1.16.
- ☒ fees required under 37 C.F.R. 1.17.
- ☐ fees required under 37 C.F.R. 1.18.

8. ☐ A check in the amount of \_\_\_\_\_ is enclosed.

9. ☐ Also enclosed:

10. ☐ The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below:

**CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Large Entity)**  
**(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))**

**NOTES**

**Submit an original, and a duplicate for fee processing.**

**FILING QUALIFICATIONS:** The prior application must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 USC 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. 1.53(d), but must be filed under 37 C.F.R. 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. 1.53(b) must be used to file a continuation, divisional or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the Applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or application in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. 1.78(a).

Dated: August 9, 2000



*Signature*

**Frank E. Reid**

*Typed or printed name*

**37,918**

*Registration Number (if applicable)*

- ☐ Inventor(s)  
☐ Assignee of complete interest  
☒ Attorney or agent of record

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Application Serial No. 09/056,289 Filed 4/07/98

Type of Paper CPA

Family No. 98B017/2

Date Mailed Aug. 9, 2000

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FEL/gdz



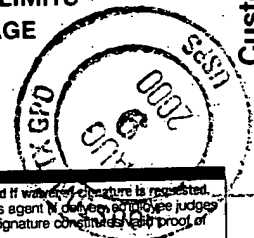
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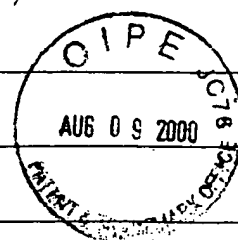
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Application Serial No. 09/056,289 Filed 4/07/98

Type of Paper CRA



Family No. 98B017/3

Date Mailed Aug. 9, 2000

'50-  
FOR/902





**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

*In re* Application of:

Shutt et al.

Serial No.: 09/056,289

Filed: April 7, 1998

For: Polymerization Process

BEFORE THE EXAMINER:

F. Teskin

Group Art Unit No.: 1713

Attorney Docket No.: 98B017/3

Baytown, Texas

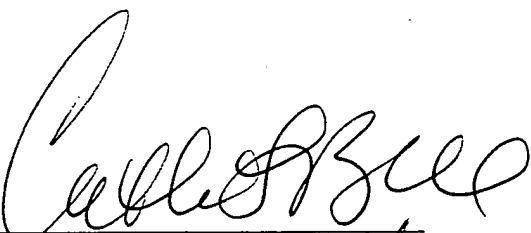
**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**DECLARATION IN SUPPORT OF PETITION TO WITHDRAW  
HOLDING OF ABANDONMENT**

I, Catherine L. Bell, declare as follows:

1. A Notice of Allowance dated May 9, 2000 was received by Applicant on May 12, 2000 (copy attached);
2. The issue fee was due on August 9, 2000. The issue fee was not paid.
3. A Continued Prosecution Application (CPA) was timely filed on August 9, 2000 (copy attached).
4. The CPA was received by the USPTO (as Evidence by the Express Mail receipt and stamped postcard a copy of which is attached hereto).
5. The (CPA) was entered in to the U.S. Patent Office docket system with a date of August 9, 2000 (See attached PAIR printout).

6. A Notice of Abandonment for USSN 09/056,789 was mailed to Applicant (copy attached).
7. The Notice of Abandonment was received by Applicant on October 10, 2000.
8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information on belief are believed to be true. I further declare that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 19 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
\_\_\_\_\_  
Catherine L. Bell  
Counsel  
Law Technology  
ExxonMobil Chemical Company

*March 24, 2004*  
*CJB*  
*3-24-04*

Signed and witnessed this \_\_\_\_\_ day of March 2004.

\_\_\_\_\_  
Witness



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985017/3 US CLB PRESS HARD. You are making 3 copies.			<b>FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com</b>		

PATENT OFFICE MAIL ROOM - Please place the mailroom date stamp on this card to indicate receipt by the U.S. Patent Office of the paper identified below and return same to us.

Application Serial No. 09/056,789 Filed 4/7/98

Type of Paper Petition to Withdraw Holding of Abandonment  
by Fee Transmittal Declaration in Support of Petition to Withdraw  
Holding of Abandonment, copy of Notice of Allowability  
dated May 9, 2000, Continued Prosecution Application (CPA) Request  
Transmittal dated August 9, 2000 w/ copy of Return Receipt

Family No. 985017/3 Postcard & Express Mail/Mailing

Date Mailed March 24, 2004 Label # EL404523233US

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Application Serial No. 09/056,889 MAR 24 2004 FILED 3/17/98

Type of Paper Petition to Withdraw Holding of Abandonment  
w/ Fee Transmittal Declaration in Support of Petition to Withdraw  
Holding of Abandonment, Copy of Notice of Allowability  
dated May 9, 2000, Continued Prosecution Application (CPA) Reque  
Transmittal dated August 9, 2000 w/ copy of Return Receipt

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Date Mailed March 24, 2004 PAIR Printout & notice of  
Abandonment dated  
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**Patent and Trademark Office**  
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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09/056 - 289

98B017/2

EXXON CHEMICAL COMPANY  
P.O. BOX 2048  
DAYTOWN, PA 17315



EXAMINER
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ART UNIT	PAPER NUMBER
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**FYI:** DATE MAILED: 10/02/00

**NOTICE OF ABANDONMENT**

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper response to the Office letter mailed on \_\_\_\_\_.
- ☐ A response (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_, which is after the expiration of the period for response (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- ☐ A proposed response was received on \_\_\_\_\_, but it does not constitute a proper response to the final rejection.
- (A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).)
- ☐ No response has been received.
- ☐ Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.
- ☐ The issue fee (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_.
- ☐ The submitted issue fee of \$\_\_\_\_\_ is insufficient. The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_.
- ☐ The issue fee has not been received.
- ☐ Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.
- ☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of \_\_\_\_\_) were received on \_\_\_\_\_.
- ☐ The proposed new formal drawings filed \_\_\_\_\_ are not acceptable.
- ☐ No proposed new formal drawings have been received.
- ☐ The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on \_\_\_\_\_.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:

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OCT 10 2000

ENCLOSURE  
DAYTOWN

CPA  
filed  
Aug 9, 2000

OCT 10 2000

PDW

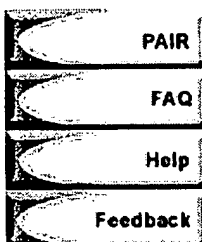
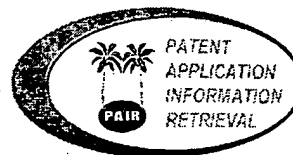
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**CONTACT PERSON IS:**  
**TOM HAWKINS**  
**305-8380**



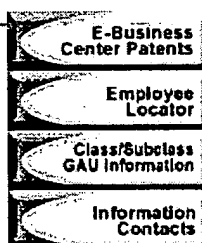
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## PATENT APPLICATION INFORMATION RETRIEVAL



## Other Links



Search results for application number: 09/056,289			
Application Number:	09/056,289	Customer Number:	23455
Filing or 371(c) Date:	04-07-1998	Status:	Abandoned -- Failure to Pay Issue Fee
Application Type:	Utility	Status Date:	10-02-2000
Examiner Name:	TESKIN, FRED M	Location:	FILE REPOSITORY (FRANCONIA)
Group Art Unit:	1713	Location Date:	07-09-2001
Confirmation Number:	5091	Earliest Publication No:	-
Attorney Docket Number:	98B017/2	Earliest Publication Date:	-
Class/ Sub-Class:	526/071	Patent Number:	-
First Named Inventor:	JOHN R. SHUTT, HOUSTON, TX (US)	Issue Date of Patent:	-
Title Of Invention: POLYMERIZATION PROCESS			

## Foreign Priority

## Continuity Data

## File Contents History

Number	Date	Contents Description
22	06-29-2000	Workflow - File Sent to Contractor
21	10-02-2000	Mail Notice of Abandonment from Publications
20	10-02-2000	Abandonment for Failure to Pay Issue Fee
19	08-09-2000	Workflow - Request for CPA - Begin
18	05-09-2000	Mail Notice of Allowance
17	05-09-2000	Notice of Allowance Data Verification Completed
16	05-08-2000	Notice of Allowability
15	03-01-2000	Date Forwarded to Examiner
14	02-22-2000	Response after Non-Final Action
13	02-22-2000	Request for Extension of Time - Granted
12	09-13-1999	Information Disclosure Statement (IDS) Filed
11	10-07-1999	Mail Non-Final Rejection
10	10-01-1999	Non-Final Rejection
9	06-16-1999	Case Docketed to Examiner in GAU
8	09-25-1998	Information Disclosure Statement (IDS) Filed
7	11-12-1998	Case Docketed to Examiner in GAU
6	06-02-1998	Application Dispatched from OIPE
5	05-29-1998	Application Is Now Complete
4	05-08-1998	Notice Mailed--Application Incomplete--Filing Date Assigned
3	05-04-1998	IFW Scan & PACR Auto Security Review

2	05-04-1998	IFW Scan & PACR Auto Security Review
1	04-09-1998	Initial Exam Team nn

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